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## RISK ASSESSMENT

# Virgin Active fined £100k

**Leisure firm Virgin Active has been convicted of safety offences after an investigation into the death of a woman at a Kensington health club.**

Elsa Carneau, who was 25, drowned while using the club's pool in 2011. Although she was not a member, she had previously used the facilities as a guest. On 3 December, the club then let her enter unaccompanied, although this was against the rules.

After swimmers became concerned that she was not moving underwater, they discovered she was unconscious. Attempts to resuscitate her failed.

Officers from the Royal Borough of Kensington and Chelsea found that Virgin had not carried out a suitable and sufficient risk assessment for the pool.

The single CCTV camera at one end of the pool did not provide a clear view of the whole area and the pictures to front of house lacked clarity.

Southwark Crown Court was told that Virgin had not made adequate arrangements for effectively planning, organising, controlling and monitoring the preventive and protective measures identified in its own documentation.

Required checks of the CCTV and physical checks of the poolside were not carried out on the day Carneau died, and had routinely been left uncompleted for a month before. The poolside checks were also not carried out in line with company procedures.

Virgin Active admitted breaching Regulation 3 of the Management of Health and Safety at Work Regulations and Section 3(1) of the Health and Safety at Work Act 1974.

On 19 December, Judge McCreath fined the company £100,000 plus prosecution



Virgin Active, which has more than 100 UK clubs, breached its duty

costs of £31,741. He said it was impossible to demonstrate that corporate faults by Virgin Active caused the death, and noted that generally the firm had a good safety record.

He added, however, that there was a foreseeable risk and a serious breach of Virgin Active's duty.

## REGULATION

# HSE unveils four updated ACoPs on workplace hazardous substances

**Four revised Approved Codes of Practice (ACoPs) covering work with hazardous substances have been published by the HSE.**

The new documents, which were launched in quick succession at the end of last year, are the result of the executive's wider review of all its ACoPs and guidance in response to the 2011 report by Professor Ragnar Löfstedt.

According to the HSE, the updates, consolidations and simplifications in the publications should make it easier for

dutyholders to understand their obligations under the law.

The four new ACoPs are:

- *The control of substances hazardous to health* (L5)
- *Legionnaires' disease. The control of legionella bacteria in water systems* (L8)
- *Dangerous substances and explosive atmospheres* (L138), which brings together five previous documents
- *Managing and working with asbestos* (L143), which consolidates two previous asbestos ACoPs.



## Member's Profile

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# Ahmad Aseer FIIRSM



### Job title

Senior HSE manager and management representative, UrbaCon Trading & Contracting, Qatar

### Qualifications

Post Graduate Diploma in Industrial Safety Management (equivalent Level 6), NEBOSH National General Certificate (Level 3) in Occupational Safety & Health, Post Graduate Diploma in Industrial Environment Management, Train the Trainer – CIEH Level 3 Award in PTTLS, BSc Honours, Diploma in Civil Engineering

### CV

**2010–2011:** Project management consultant – HSE, Dorsch Consult GmbH at ADNOC, Abu Dhabi  
**2007–2010:** Head of HSE, Sharaf Construction, Dubai  
**2006–2007:** Group health and safety manager, CLOISALL CO. LLC, Dubai, UAE  
**2003–2006:** Senior safety officer, ETA-ASCON group, UAE  
**2002–2003:** Health, safety and environment officer, Punj Lloyd Ltd  
**1998–2002:** Safety and security officer, Camphor & Allied Products Ltd, India

### How did your career start?

It actually chose me. Though it might seem that my career has been consciously planned and self-directed, in reality it

grew from a series of opportunities and personal decisions made without any particular strategy in mind.

When I left school, I wanted to be an astronaut. Then, when I completed my pre-degree, I wanted to be a doctor. Now I'm working in the health, safety and environment (HSE) field.

### How did you become involved in health and safety?

Just after my degree exam, I saw an advertisement in the local newspaper for an entrance test for admission to a Post Diploma in Industrial Safety at Patna University. The subject was very new for me, and after reading *Safety Management* by John V Grimaldi and Rollin H Simonds, I decided it was a very interesting subject.

I passed the entrance exam and was admitted to a one-year, full-time course, followed by 40 days of practical training at the Oil and Natural Gas Corporation (ONGC) in Gujarat. The course, the ONGC training, and the confidence I'd gained in the subject helped me get a job as assistant safety officer at chemical company Camphor & Allied Products in Gujarat.

### What do you get out of your job?

Most HSE professionals are good at managing safety programmes, but not always so successful at demonstrating how these contribute to profits. On the other hand, most businesses manage profits effectively, but may not be good at demonstrating commitment to HSE.

I try to ensure that HSE management is a key aspect within the overall governance system so that the decision-makers – and the stakeholders they serve – see me as a value-added employee. I do this by promoting a good safety culture (people), implementing environmental and sustainability initiatives (planet), and adding value to the company (profits).

### What's the most memorable experience you've had in your career?

The board of directors and owner of my current company recently promoted me after recognising my role in obtaining successful certification to OHSAS 18001:2007 and ISO 14001:2004 within a short time-span. We started from scratch, then developed the HSE management system and are now managing it.

### What's the best piece of advice you've ever been given?

Never write a letter (e-mail nowadays) when you're angry and never make a promise when you're happy. Also, that health and safety is not merely a job, it's a profession, where your actions are based on your skills and knowledge.

### What's the biggest challenge facing the health and safety profession?

Our profession suffers from a do-it-yourself approach and too much focus merely on complying with legal requirements.

As economies become more complex and businesses operate across international borders and jurisdictions,

### "The local laws on health and safety are challenging across the whole Middle East region"

compliance will become increasingly irrelevant as we shift our focus to risk, wellbeing and sustainable business practices. I think the "health and safety role" will then become much more about "support" rather than "doing".

### Would you like to see any legislative changes?

The local laws on health and safety are challenging across the whole Middle East region. In Qatar, where the infrastructure continues to expand under the National Development Strategy, the need for a robust safety regime is increasingly clear.

Although existing legislation in Qatar addresses various health and safety issues (for example, the Qatar National Construction Standards 2010), there's no universally applicable, comprehensive piece of legislation. Without this, ensuring compliance with the requisite provisions of various regulations is a concern for many companies, particularly where non-compliance may lead to criminal penalties.

### Where do you see yourself in five years?

I've always been driven to be the best at what I do and I want to keep my company among the best HSE performers in Qatar.

I hope to have opportunities to develop my skills, take on interesting projects on sustainability, and work with people I can really learn from.